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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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SENECA INSURANCE COMPANY, INC.,

Plaintiff,

v.

ALTON COAL DEVELOPMENT, LLC  
and CATERPILLAR FINANCIAL  
SERVICES CORPORATION,

Defendants.

MEMORANDUM DECISION AND  
ORDER OVERRULING  
OBJECTION TO MAGISTRATE  
JUDGE DECISION

Case No. 2:15-CV-761 TS

District Judge Ted Stewart

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This matter is before the Court on Plaintiff's Objection to the Magistrate Judge's August 29, 2017 Order. For the reasons discussed below, the Court will overrule the Objection.

Under 28 U.S.C. § 636(b)(1)(A) and Rule 72(a) of the Federal Rules of Civil Procedure, the Court reviews a Magistrate Judge's order on nondispositive matters to determine whether it is clearly erroneous or contrary to law.<sup>1</sup> "The clearly erroneous standard . . . requires that the reviewing court affirm unless it 'on the entire evidence is left with the definite and firm conviction that a mistake has been committed.'"<sup>2</sup> "Under the 'contrary to law' standard, the district court conducts a plenary review of the magistrate judge's purely legal determinations, setting aside the magistrate judge's order only if it applied an incorrect legal standard."<sup>3</sup>

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<sup>1</sup> 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

<sup>2</sup> *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

<sup>3</sup> *Raytheon Co. v. Cray, Inc.*, No. 2:16MC898 DAK, 2017 WL 823558, at \*2 (D. Utah Mar. 2, 2017) (quotation marks omitted).

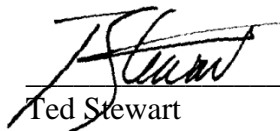
The Court has carefully reviewed the August 29, 2017 Order, the recording of the August 25, 2017 hearing, Plaintiff's objection, Defendant Alton's response thereto, and the relevant case law. Having done so, the Court cannot conclude that the Magistrate Judge's decision was clearly erroneous or contrary to law. Plaintiff is correct that courts, including this one, have rejected similar discovery requests. However, the fact that other courts have reached a different result does not necessarily mean that the Magistrate Judge's decision was clearly erroneous or contrary to law. Having made a thorough review of the record, the Court is not left with a definite and firm conviction that a mistake has been made as to the factual findings or that an incorrect legal standard was applied. Therefore, the Court will overrule the objection.

The summary of, or copies of, highwall miner policies issued by Seneca for five years prior to the issuance of the Alton policy are due within fourteen (14) days of this Order. The 30(b)(6) deposition must be completed within thirty (30) days of this Order and is limited to four (4) hours. Specific concerns about the proper scope of the deposition can be raised with the Magistrate Judge at the appropriate time.

SO ORDERED.

DATED this 24th day of October, 2017.

BY THE COURT:

  
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Ted Stewart  
United States District Judge